

REMARKS

The courteous interview granted by Examiner Fox to applicant's undersigned attorney on September 8, 2005 is hereby acknowledged with appreciation. As mentioned in PTOL-413, all claims and all prior art references of record were thoroughly discussed at the interview. Further it was agreed orally that the prior art of record does not disclose the fire resistant coating material applied to interior surfaces and/or exterior surfaces, i.e., as defined in claims 9-13 of this application to include a back wall and a perimeter wall cooperating to define an enclosure having an open face, as now set forth more clearly in the amended claims submitted herewith.

Claims 1 and 3 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Antonucci Patent No. 2,782,954. While the box shown in the Antonucci '954 patent is made of metal, applicant's amended claim 1 calls for an enclosure having interior or exterior surfaces of the claimed enclosure having a fire resistant coating material thereon. Since Antonucci '954 neither discloses nor suggests a fire resistant coating material applied to the metal enclosure, it is submitted that the rejection of claims 1 and 3 under 35 U.S.C. §102(b) should be withdrawn.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Antonucci '954 patent in view of Glaser Patent No. 4,932,886. Although the Glaser '886 patent teaches an enclosure having a ceramic construction, applicant's claim 2 (depending from claim 1) now requires a fire resistant coating material over the enclosure, which the Glaser '886 patent neither discloses nor suggests. Since there is no motivation, disclosure or suggestion in either the Antonucci '954 patent or the Glaser '886 patent to include a fire resistant coating material over the interior or exterior back and perimeter walls, as now called for in applicant's claim 2, it is submitted that the rejection of claim 1, based on the Antonucci '954 patent and Glaser '886 patent, should be withdrawn.

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Antonucci '954 patent in view of Kohaut Patent No. 4,088,827 in view of McGinniss, et al. Patent No. 5,925,457. The McGinniss '457 patent generally teaches intumescent coating materials "for thermally protecting a substrate" and neither discloses nor suggests the use of

the intumescent coating for coating interior or exterior surfaces of a housing as now defined in applicant's claims.

The Kohaut '827 patent is directed to a floor insert capable of acting as a retractable electrical outlet box that can be raised from a floor opening. The Kohaut '827 patent is the only patent out of those uncovered in the search which at all suggests including a fire resistant coating on an interior surface of a housing containing electrical transmission wires but suggests that fire resistant coating only on "covering sheet tabs 31, 31'" (column 2, lines 59-63). The Kohaut '827 fire resistant coating is for the purpose of insulating carpet material which is inserted into the electrical box during use and is removed from the electrical box to cover the box when the electrical box is retracted into the floor. There is no suggestion or motivation in the Kohaut '827 patent to cover the back and perimeter interior and/or exterior surfaces of the electrical box, as now claimed by applicant, since the only purpose of the fire resistant coating material is to insulate carpet material (inserted from a floor) from walls within the interior of the electrical box. Applicant's claims are directed to an enclosure within a wall, not a floor, and defines interior surfaces which are different from the interior surfaces 31, 31' that are made fire resistant in accordance with the Kohaut '827 teachings. It is submitted, therefore, that it would not have been obvious to coat the interior and/or exterior walls, as now defined in applicant's claims, based on the Kohaut '827 or McGinniss '457 patents for the reasons set forth above. Accordingly, it is submitted that the rejection of claim 16 under 35 U.S.C. §103(a) should be withdrawn.

Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Budnick Patent No. 2,233,731 in view of Kohaut '827. While Budnick '731 teaches a connection box with tabs 15, 15' for attaching to studs, neither Kohaut '827 nor McGinniss '457 teaches or suggests coating the interior and/or exterior surfaces of the Budnick '731 enclosure with an intumescent material. For the reasons set forth above with respect to claim 16, it is submitted that the rejection of claim 19 under 35 U.S.C. §103(a) as being unpatentable over Budnick '731 in view of Kohaut '827 should be withdrawn.

Claims 20 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cunningham Patent No. 1,585,084 in view of Budnick '731. Claim 20 has now been amended to recite an **electrical** line instead of a gas line and defines a back

member and a plurality of side members having their interior surfaces coated with a fire resistant coating material. Since neither Cunningham '084 nor Budnick '731 teach or suggest a housing for receiving an electrical line that has a back member and a plurality of side members coated with a fire resistant coating material, it is submitted that the rejection of claims 20 and 24 under 35 U.S.C. §103(a) as unpatentable over Cunningham '084 in view of Budnick '731 should be withdrawn.

Claims 9-11 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Budnick '731 in view of Gower Patent No. 5,216,203. While Budnick '731 shows a connection box with tabs 15, 15' for attaching to studs, and Gower '203 shows a box made of metal having a strain relief for an electrical wire, neither Budnick '731 nor Gower '203 teaches or suggests an enclosure having at least a back and side walls coated with a fire resistant material, as now set forth in claims 9-11 and 22. Accordingly, it is submitted that the rejection of claims 9-11 and 22 under 35 U.S.C. §103(a) as being unpatentable over Budnick '731 in view of Gower '203 should be withdrawn.

Claims 12 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Budnick '731 in view of Gower '203 and further in view of Kohaut '827. It is submitted in the Office Action that it would have been obvious to provide the modified box of Budnick '731 with an intumescent layer as taught by Kohaut '827. As set forth above, Kohaut '827 only provides specific interior walls with a fire resistant coating material and only for the purpose of protecting against overheating of a carpet material that is received within the enclosure from the floor. Applicant's enclosure is a enclosure for a mounting for within a wall and defines at least a back wall and side walls to define an enclosure having an open face wherein the interior and/or exterior of these walls are coated with the intumescent coating material. There is no suggestion or motivation in the Kohaut '827 patent to provide a fire resistant coating material on the surfaces defined in applicant's claims since the only motivation for providing a fire resistant coating material is on interior walls adjacent to carpet material received from the floor. Accordingly, it is submitted that the rejection of claims 12 and 23 under 35 U.S.C. §103(a) as being unpatentable over Budnick '731 in view of Gower '203 and further in view of Kohaut '827 should be withdrawn.

Claims 13 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Budnick '731 in view of Gower '203 and further in view of Glaser '886. Applicant's amended claims 13 and 21 now define the fire resistant coating material as coating at least back and perimeter walls that define an open faced enclosure having a fire resistant coating material on either their interior or exterior surfaces. Since neither the Budnick '731, Gower '203 or Glaser '886 patents teach or suggest a fire resistant coating material over the walls defined in applicant's claims, it is submitted that the rejection based on Budnick '731, Gower '203 or Glaser '886 should be withdrawn.

It is submitted that all claims are now of proper form and scope for allowance. Early and favorable consideration is respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 13-2855, under Order No. 30140/10000A from which the undersigned is authorized to draw.

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Respectfully submitted,

By Richard H. Anderson
Richard H. Anderson
Registration No.: 26,526
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant